

Executive Summary – Enforcement Matter – Case No. 51140
Wolf Hollow I Power, LLC
RN100219195
Docket No. 2015-1292-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Wolf Hollow I, 9201 Wolf Hollow Court, Granbury, Hood County

Type of Operation:

Power generation plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 11, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$96,600

Amount Deferred for Expedited Settlement: \$19,320

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$77,280

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 25, 2015

Date(s) of NOE(s): August 4, 2015

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Docket No. 2015-1292-AIR-E

Violation Information

Failed to comply with the annual allowable carbon monoxide (“CO”) emissions rate for the Combustion Turbines, Emissions Point Number (“EPN”) E-ST1 & E-ST2. Specifically, the Respondent exceeded the annual allowable CO emissions rate of 1,128.6 tons per year, based on a rolling 12-month period, for the 12-month periods ending in May 2013 through June 2014, resulting in the unauthorized release of approximately 97 tons of CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O2066, Special Terms and Conditions No. 5, and New Source Review Permit Nos. 41166 and PSDTX939, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures to ensure compliance with the CO emissions rate from EPN E-ST1 & E-ST2:

- a. On January 20, 2014, completed a software replacement for its continuous emissions monitoring system;
- b. On September 5, 2014, obtained Standard Permit Registration No. 122616 authorizing the pollution control project for the CO/nitrogen oxides selective catalytic reduction catalyst; and
- c. On October 15, 2014, installed a combination CO/nitrogen oxides selective catalytic reduction catalyst for both generating units.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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Docket No. 2015-1292-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Eduardo Heras, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-2422; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: Daniel Inemer, General Manager, Wolf Hollow I Power, LLC, 6604 East
Rosedale Street, Fort Worth, Texas 76112

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	3-Aug-2015	Screening	19-Aug-2015	EPA Due	24-Jan-2016
	PCW	24-Aug-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Wolf Hollow I Power, LLC
Reg. Ent. Ref. No.	RN100219195
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51140	No. of Violations	1
Docket No.	2015-1292-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Eduardo Heras
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$105,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.

Compliance History **17.0%** Enhancement **Subtotals 2, 3, & 7** **\$17,850**

Notes

Enhancement for one NOV with dissimilar violations and one order without a denial of liability. Reduction for high performer classification.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

-\$26,250

Economic Benefit

Total EB Amounts

\$847

Estimated Cost of Compliance

\$10,000

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$0

SUM OF SUBTOTALS 1-7

Final Subtotal

\$96,600

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

Final Penalty Amount

\$96,600

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$96,600

DEFERRAL

20.0%

Reduction

Adjustment

-\$19,320

Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$77,280

Screening Date 19-Aug-2015

Docket No. 2015-1292-AIR-E

PCW

Respondent Wolf Hollow I Power, LLC

Policy Revision 4 (April 2014)

Case ID No. 51140

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219195

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
NotesEnhancement for one NOV with dissimilar violations and one order without a denial of liability.
Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date 19-Aug-2015

Docket No. 2015-1292-AIR-E

PCW

Respondent Wolf Hollow I Power, LLC

Policy Revision 4 (April 2014)

Case ID No. 51140

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219195

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. 02066, Special Terms and Conditions No. 5, and New Source Review Permit Nos. 41166 and PSDTX939, Special Conditions No. 1

Violation Description Failed to comply with the annual allowable carbon monoxide ("CO") emissions rate for the Combustion Turbines, Emissions Point Number ("EPN") E-ST1 & E-ST2. Specifically, the Respondent exceeded the annual allowable CO emissions rate of 1,128.6 tons per year, based on a rolling 12-month period, for the 12-month periods ending in May 2013 through June 2014, resulting in the unauthorized release of approximately 97 tons of CO.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
		Major	Moderate	Minor	
					0.0%

Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 14 425 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$105,000

Fourteen monthly events are recommended for the period of non-compliance from May 1, 2013 through June 30, 2014.

Good Faith Efforts to Comply

25.0%

Reduction \$26,250

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent achieved compliance on October 15, 2014 before the August 4, 2015 Notice of Enforcement.

Violation Subtotal \$78,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$847

Violation Final Penalty Total \$96,600

This violation Final Assessed Penalty (adjusted for limits) \$96,600

Economic Benefit Worksheet

Respondent Wolf Hollow I Power, LLC

Case ID No. 51140

Reg. Ent. Reference No. RN100219195

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment	\$5,000	1-May-2013	15-Oct-2014	1.46	\$24	\$486	\$510
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-May-2013	5-Sep-2014	1.35	\$337	n/a	\$337
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the CO emissions rate for EPN E-ST1 & E-ST2. The Date Required is the first date of non-compliance and Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$847

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN600130132, RN100219195, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600130132, Wolf Hollow I Power, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN100219195, WOLF HOLLOW I **Classification:** HIGH **Rating:** 0.00

Complexity Points: 28 **Repeat Violator:** NO

CH Group: 06 - Electric Power Generation

Location: 9201 WOLF HOLLOW CT GRANBURY, TX 76048-7741, HOOD COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HQ01120

WASTEWATER PERMIT WQ0004288000

AIR NEW SOURCE PERMITS PERMIT 41166

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX939

AIR NEW SOURCE PERMITS PERMIT 83638

AIR NEW SOURCE PERMITS REGISTRATION 122616

STORMWATER PERMIT TXR150012029

AIR OPERATING PERMITS PERMIT 2066

WASTEWATER EPA ID TX0123820

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HQ01120

AIR NEW SOURCE PERMITS REGISTRATION 54096

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1110

AIR NEW SOURCE PERMITS AFS NUM 4822100690

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HQ01120

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: October 26, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 26, 2010 to October 26, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Eduardo Heras

Phone: (512) 239-2422

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/13/2011 ADMINORDER 2011-0110-IWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits for ammonia nitrogen as documented by a TCEQ record review of self-reported data.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Effluent Reporting Requirements PERMIT

Description: Failure to submit complete effluent monitoring results at the intervals specified in the permit as documented

by a TCEQ record review.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 24, 2010	(889854)
Item 2	December 15, 2010	(898253)
Item 3	January 07, 2011	(904111)
Item 4	January 18, 2011	(878116)
Item 5	February 24, 2011	(910987)
Item 6	March 08, 2011	(891753)
Item 7	March 16, 2011	(918269)
Item 8	April 25, 2011	(930923)
Item 9	May 21, 2011	(939988)
Item 10	June 27, 2011	(947389)
Item 11	July 18, 2011	(954644)
Item 12	August 24, 2011	(961229)
Item 13	October 25, 2011	(973281)
Item 14	November 22, 2011	(979410)
Item 15	December 20, 2011	(986256)
Item 16	January 19, 2012	(976642)
Item 17	January 24, 2012	(992631)
Item 18	February 16, 2012	(999944)
Item 19	March 06, 2012	(1005479)
Item 20	March 28, 2012	(999945)
Item 21	April 17, 2012	(1012038)
Item 22	May 10, 2012	(1018431)
Item 23	June 14, 2012	(1026138)
Item 24	July 18, 2012	(1033496)
Item 25	August 10, 2012	(1040022)
Item 26	September 12, 2012	(1048992)
Item 27	October 05, 2012	(1070154)
Item 28	November 08, 2012	(1070155)
Item 29	November 09, 2012	(1041773)
Item 30	December 10, 2012	(1070156)
Item 31	January 03, 2013	(1083210)
Item 32	February 06, 2013	(1083209)
Item 33	March 10, 2013	(1091350)
Item 34	April 09, 2013	(1097691)
Item 35	June 17, 2013	(1112288)
Item 36	June 25, 2013	(1094369)
Item 37	August 13, 2013	(1126990)
Item 38	September 05, 2013	(1126989)
Item 39	September 12, 2013	(1131530)
Item 40	September 27, 2013	(1104529)
Item 41	October 15, 2013	(1137273)
Item 42	November 12, 2013	(1142695)
Item 43	December 04, 2013	(1149112)
Item 44	January 15, 2014	(1155214)
Item 45	February 14, 2014	(1144845)
Item 46	March 06, 2014	(1169140)
Item 47	April 24, 2014	(1176329)
Item 48	May 22, 2014	(1182568)

Item 49	June 09, 2014	(1189448)
Item 50	July 10, 2014	(1201447)
Item 51	August 13, 2014	(1201448)
Item 52	September 15, 2014	(1207756)
Item 53	October 15, 2014	(1214158)
Item 54	November 11, 2014	(1220389)
Item 55	December 04, 2014	(1226220)
Item 56	January 07, 2015	(1233305)
Item 57	January 24, 2015	(1203812)
Item 58	March 13, 2015	(1244207)
Item 59	June 05, 2015	(1271340)
Item 60	July 02, 2015	(1246503)
Item 61	July 08, 2015	(1278895)
Item 62	August 06, 2015	(1285101)
Item 63	September 23, 2015	(1280720)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 04/30/2015 (1264255) CN600130132
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WOLF HOLLOW I POWER, LLC
RN100219195

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2015-1292-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Wolf Hollow I Power, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a power generation plant located at 9201 Wolf Hollow Court in Granbury, Hood County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 9, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ninety-Six Thousand Six Hundred Dollars (\$96,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seventy-Seven Thousand Two Hundred Eighty Dollars (\$77,280) of the administrative penalty and Nineteen Thousand

Three Hundred Twenty Dollars (\$19,320) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant to ensure compliance with the carbon monoxide ("CO") emissions rate from Emissions Point Number ("EPN") E-ST1 & E-ST2:
 - a. On January 20, 2014, completed a software replacement for its continuous emissions monitoring system;
 - b. On September 5, 2014, obtained Standard Permit Registration No. 122616 authorizing the pollution control project for the CO/nitrogen oxides ("NOx") selective catalytic reduction ("SCR") catalyst; and
 - c. On October 15, 2014, installed a combination CO/NOx SCR catalyst for both generating units.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the annual allowable CO emissions rate for the Combustion Turbines, EPN E-ST1 & E-ST2, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O2066, Special Terms and Conditions No. 5, and New Source Review Permit Nos. 41166 and PSDTX939, Special Conditions No. 1, as documented during a record review conducted on March 25, 2015. Specifically, the Respondent exceeded the annual allowable CO emissions rate of 1,128.6 tons per year, based on a rolling 12-month period, for the 12-month periods ending in May 2013 through June 2014, resulting in the unauthorized release of approximately 97 tons of CO.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Wolf Hollow I Power, LLC, Docket No. 2015-1292-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ramon Monnie
For the Executive Director

4/29/16
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Daniel Inemer
Signature

2/5/2016
Date

Daniel Inemer
Name (Printed or typed)
Authorized Representative of
Wolf Hollow I Power, LLC

General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.